



Planning Commission Meeting Minutes

A meeting of the Okanogan County Regional Planning Commission was held on Monday, April 23, 2012 at 7:00 pm. The meeting was held in the Commissioners' Hearing Room 123 5th Ave N., Okanogan, WA.

PLANNING COMMISSION MEMBERS present included: Chair Albert Roberts, Vice Chair Dart, Commission Member Tim Woolsey, Commission Member Mark Miller, Commission Member Marlene Rawley, and Commission Member Tamara Porter,

OKANOGAN COUNTY STAFF MEMBERS present included: Director of Planning Perry Huston, Natural Resource Senior Planner II Angela Hubbard, and Administrative Secretary Sharon McKenzie.

APPLICANTS OR THEIR REPRESENTATIVES: None

OTHERS IN ATTENDANCE: Bonnie Lawrence, Darlene Hajny, Maggie Coon, Nancy Soriano, Isabelle Spohn, Vicky Welch, Ray Campbell, Jason Pausen, Trinity Stucker, Charles Brushwood, Kris Erlandsen, and Paul Audet.

Chair Roberts called the meeting to order at 7:02 pm.

Approval of April 23, 2012 Agenda

Vice Chair Dart moved to approve the April 23, 2012 Planning Commission Meeting Agenda. Commission Member Rawley seconded the motion. Motion passed.

Approval of March 26, 2012 Meeting Minutes

Vice Chair Dart moved to approve the March 26, 2011 Planning Commission Meeting Minutes as presented. Commission Member Woolsey seconded the motion. Motion passed.

Public Hearing Item #1

- **Holman OST 2012-02**

Chair Roberts requested the summary report on the **Holman OST 2012 02**. Natural Resource Planner II Angela Hubbard requested the Staff Report be placed into the record. Natural Resource Planner II Hubbard explained:

- The applicant is applying for a transfer from Designated Forest to Open Space Timber tax assessment on 19 timberland acres.
- The goal of the applicants is to enhance the timber value through management practices that would increase potential dollar returns at an undermined point in the future.

- Robert J. Anderson, professional forester, has prepared a FMP (Forest Management Plan) for this property.
- The FMP discusses the soils, inventories the timber stand, and has established a management schedule for the property.
- The property is surrounded by private property.
- The property is located approximately 13 miles southeast of Tonasket, WA.

She said she was not sure if the applicant was present to answer questions.

Chair Roberts requested the applicant come forward to address questions from the Commission Members. The applicant was not in attendance.

Chair Roberts asked if there were any other questions from the Board. There being none, Chair Roberts opened the meeting to public testimony. There being no public testimony, he closed the meeting to public testimony. Chair Roberts said he would entertain a motion.

Vice Chair Dart moved to recommend approval of the **Holman OST 2012-02** to the Board of County Commissioners subject to the attached Findings of Fact, Conclusions of Law and the Conditions of Approval. Commission Member Porter seconded the motion. Motion passed.

Public Hearing Item #2

- **Proposed Okanogan County Critical Area Ordinance – Continuation**

Natural Resource Planner II Angela Hubbard opened the meeting stating the Planning Commission would first hear from the public on the **Proposed Draft of the Okanogan County Critical Area Ordinance** (CAO) and gave a brief overview of the process that had occurred since the beginning of the Planning Commission Hearings. She said the hearings began in October of 2009. Planner II Hubbard gave a brief power point presentation discussing the high points of the process.

She said the review of the Critical Areas Ordinance is according to:

- RCW 36.70A.030
- RCW 36.70A.60
- RCW 36.70.A 172
- RCW 36.70A.050

She briefly explained the requirements in the RCWs.

She said the major changes were:

- Removal of permit triggers
- Created more flexibility than in the existing ordinance
- Updated wetland buffers
- Inserted the Flood Ordinance into the Critical Areas Ordinance
- Incorporated the channel migration zone
- Updated the water typing system

Director Huston reminded the Commission and the audience that the purpose of tonight's meeting is to take public testimony on the revised draft. He said at the end of the hearing, Staff will ask the Commission Members for direction as to whether:

- the (CAO) will be recommended for approval to the Board of County Commissioners;
- additional changes should be made;
- or continue further deliberations.

He said the agricultural activities portion of the CAO will not be addressed until there is funding for the Voluntary Stewardship Program.

Chair Roberts asked if there were any questions for Natural Resource Planner II Hubbard. There being none. Chair Roberts explained the hearing process for public comment. He emphasized each speaker would be limited to five minutes.

Bonnie Lawrence residing in Omak said she reviewed the comments made by the North Central Home Builders Association and said she supports their comments. She said she is concerned the draft CAO goes beyond what is necessary. She said there are so many regulations, people are bogged down with what they can do and the CAO should not go beyond that which is required by law. She said the CAO is important to the citizens of the County and the draft should be taken back to the drawing board.

Darlene Hajny residing in Okanogan and a member of the Okanogan Farm Bureau said she agrees with Ms. Lawrence and the North Central Home Builders Association (NCHBA) comments. She said the comments made by NCHBA have been thoroughly reviewed by the Farm Bureau and the Coalition for Property Rights, and they all feel the ordinance goes beyond what is required by law. She said land is being absorbed by government, tribes, fish and wildlife and she is hoping the County will look at the serious issues. Ms. Hajny said hopefully the final draft will be closer to what people of Okanogan County really want. She noted others will want more regulation. She said if the CAO goes beyond what's required, it is not good for the County.

Maggie Koone residing on the Twisp River in the Methow Valley asked the question how Okanogan County can develop a model CAO. She said the key word is "critical". She said this is a critical area ordinance which is critical to the future of the County. Ms. Koone said the draft is the starting point but it needs more work. She said there are three points that need to be addressed:

- The State Growth Management Act is clear about using best available science for the CAO framework. She said we are very fortunate to have very good science on issues addressed in the ordinance, and they should be used to the fullest extent. She said in order to meet the standard of the GMA, the CAO must clearly document the scientific basis for which the ordinance has been developed.
- The draft has too much flexibility for its administration. She said the repeated use of "may" instead of "shall" is of concern. The ordinance should clearly specify under what conditions the "may" can be invoked.
- She is troubled with the exemption for single family residence in the aquifer recharge areas and finds the exemption is not acceptable.

Ms. Koone closed stating she endorsed the comments submitted by the Methow Valley Citizens Council.

Nancy Soriano from Tunk Valley read the letter from Melissa Bates of Aqua Permanente which had been submitted for comment.

Isabelle Spohn residing in Twisp emphasized the CAO is crucial for development. She said the CAO protects land from natural hazards, flood risk, and damage to habitat. She said:

- she agrees with Ms. Koone's comment regarding the use of "may" and "shall".
- she agrees with Ms. Koone's comment regarding using best available science.
- she agrees with the comments made by the Methow Valley Citizens Council.
- the maps lack detail for habitat and recharge areas and are difficult to understand which leaves them open to interpretation.
- she does not agree with the single family residence exemption.
- there should be no development where there is an interruptible water source or where there is over allocation.

Regarding Tunk Valley which is bordered by the Colville Reservation, she noted Tunk Creek runs into the Okanogan River and is being watched by the Tribe since it is steelhead habitat.

Ms. Spohn said the CAO should include a clearing and grading ordinance which would require notification to the County prior to construction of roads and other activity in order to protect steep slopes and habitat.

Vicki Welsh residing in Twisp and speaking for the Methow Valley Citizens Council said:

- there needs to be clarification on the best available science. She said it needs to be referred to in the document to make the document legally defensible.
- maps need on the ground surveys.
- Fish and Wildlife maps are incomplete.
- recharge maps are missing.
- there should be public notice requirements for projects in critical areas.
- performance bonds went from mandatory to optional. Performance bonds should be mandatory so County residents are not held responsible for someone making a mess in a critical area.
- to eliminate the exemption for single family residence in recharge aquifer areas and moderate channel migration hazardous zones.
- site visits must be linked to site designation criteria.
- Level one habitat needs more detail.
- Level two and three habitat needs to be described.
- the County needs a clearing and grading ordinance in support of the CAO.
- the Fish and Wildlife plan should be adopted thus making things easier.

Ray Campbell residing in Carlton and a member of the Farm Bureau and the Coalition for Property Rights said the document is far too overreaching to that which is required by law. He said the taking of lands is unnecessary. He said he supports the comments by the NCHBA, the North Central Washington Association of Realtors, and the Farm Bureau.

Chair Roberts read through the sign in sheet to see if anyone else wished to testify. There were no others wishing to speak on the CAO.

Responding to Director Huston's question on how the Planning Commission wished to proceed, Chair Roberts noted there was quite a bit of information presented this evening which the Planning

Commission Members had not had a chance to review. He suggested continuing deliberations in order to give the Planning Commission Members time to review the material.

It was noted by the Planning Commission Members that review of the comments should be focused on the topic of the CAO and not on any personal attacks noted in one document. The Planning Commission Members said they would like time to review and digest the information presented this evening.

Director Huston will have Staff review comments for facts verses interpretation and quantify that which is black and white in the law.

The Planning Commission thanked the public for their comments.

Chair Roberts closed the hearing to public testimony.

Chair Roberts said he would entertain a motion.

Vice Chair Dart made the motion to continue deliberations on the Critical Areas Ordinance which will not be open to public comment at special meeting on June 4, 2012 at 7:00 pm in the Commissioners Hearing Room. Planning Commission Member Porter seconded the motion. Motion passed.

Old Business

The was no old business

New Business

Since the regularly scheduled meeting of the Planning Commission falls on May 28th, 2012 which is Memorial Day, the Planning Commission scheduled a special meeting on Monday, June 4th, 2012.

Commission Member Rawley moved to adjourn the meeting. Vice Chair Dart seconded the motion. Motion passed.

Chair Roberts adjourned the meeting at 7:55 p.m.

Summary of Motions

Vice Chair Dart moved to approve the April 23, 2012 Planning Commission Meeting Agenda. Commission Member Rawley seconded the motion. Motion passed.

Vice Chair Dart moved to approve the March 26, 2011 Planning Commission Meeting Minutes as presented. Commission Member Woolsey seconded the motion. Motion passed.

Vice Chair Dart moved to recommend approval of the Holman OST 2012-02 to the Board of County Commissioners subject to the attached Findings of Fact, Conclusions of Law and the Conditions of Approval. Commission Member Porter seconded the motion. Motion

passed.

Vice Chair Dart made the motion to continue deliberations on the Critical Areas Ordinance which will not be open to public comment at special meeting on June, 2012 at 7:00 pm in the Commissioners Hearing Room. Planning Commission Member Porter seconded the motion. Motion passed.

Prepared by Sharon McKenzie
Administrative Secretary